IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.60 OF 2005

Shri.Sukumar Dattu Kamble ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Umesh Mankapure with Mr.R.V.More for Applicant.

Mr.R.Y.Mirza, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MARCH 3, 2005.

P.C.

1. The order passed by the lower Court, which is impugned before this Court is a discretionary order. Whether to remit the accused to police custody or judicial custody is a subjective satisfaction reached by the Magistrate on the basis of the material placed before him. Indeed, reasons are recorded in the impugned order. It is not possible to take the view that the said reasons are irrelevant. Hence, no interference is warranted.

Dismissed.

2. It is, however, made clear that as and when the Applicant files Bail Application before the appropriate Court, that will have to be considered on its own merits in accordance with law, uninfluenced by the observations in the impugned order or for that matter, in the present order.

A.M.KHANWILKAR, J.